



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 19 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Earnie Curley
Plant Manager
Cardinal FG Company
1650 Mohr Road
Portage, Wisconsin 53901

Re: Supplemental Request to Provide Information Pursuant to Section 114 of the Clean Air Act

Dear Mr. Curley,

The enclosed supplemental information request is being issued to you pursuant to Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). The Environmental Protection Agency is seeking additional information concerning the Cardinal FG Company (Cardinal) float glass facility located in Portage, Wisconsin.

Under Section 114(a) of the CAA, EPA is authorized to require the submission of records, reports, and other information for the purpose of determining whether any violations of the CAA have occurred. In accordance with this authority, you are hereby served the enclosed Information Request, and required to provide the requested responses and documents within twenty-one (21) calendar days of receipt of this Request. See Enclosures 1 and 2 for the instructions, definitions, and Information Requests.

You must submit a copy of the full response to the following two (2) addresses:

Christopher Williams
Stationary Source Enforcement Branch
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Mail Code 2242A
Washington, DC 20460

and

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Failure to provide the required information in a timely manner may lead to civil action to obtain compliance or to recover a civil penalty in accordance with Section 113 of the CAA, 42 U.S.C. § 7413. EPA also has authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification. Even if you fully comply with this letter, you may still be subject to administrative, civil, or criminal action as provided by the CAA.

You are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b). See Enclosure 3 for instructions on assertion of business confidentiality claims. Note that emissions data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, is not entitled to confidential treatment. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Any technical questions regarding this Information Request should be directed to Christopher Williams, Office of Civil Enforcement, at (202) 564-7889, Williams.Christopher@epa.gov; for legal matters, contact Robert Klepp, Office of Civil Enforcement, at (202) 564-5805, Klepp.Robert@epa.gov.

Sincerely,



Phillip A. Brooks, Director
Air Enforcement Division

Enclosures (3)

cc: Manojkumar Patel, EPA Region 5 (via email)

ENCLOSURE 1

When providing the information requested in Enclosure 2, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least optical character recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If

Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.* or below.

- 1) "Document" means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of Cardinal or the possession or control of any person or entity hired by Cardinal. A copy of a document rather than the original may be provided.
- 2) The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 3) The terms "you" or "your", as used above and in each Information Request set forth in Enclosure 2 of this Information Request, refer to, and shall mean, Cardinal, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

ENCLOSURE 2

INFORMATION REQUEST

You are hereby required, in accordance with Section 114(a) of the Act, 42 U.S.C. § 7414(a), to provide the following information regarding Cardinal's float glass facility located in Portage Wisconsin.

1. If a Continuous Emissions Monitoring System ("CEMS") or Continuous Emission Rate Monitoring System ("CERMS") is, or was previously, operating at a furnace, please submit the information requested below in electronic spreadsheet format (e.g. Microsoft Excel) from June 2010 to the present date for each day. If the daily information is not available, provide the data on a monthly basis and explain in detail why the daily information is not available:
 - A. emissions in pounds per hour and pounds per ton of glass produced per day for each operating day for the following pollutants: oxides of nitrogen (NO_x); sulfur dioxides (SO₂); and carbon monoxides (CO);
 - B. glass produced in tons;
 - C. amount of oxygen used in the furnace by all burners in standard cubic feet per hour (scfh);
 - D. percentage of oxygen in the furnace;
 - E. amount of the natural gas burned in the furnace by all burners and its auxiliary equipment in million British thermal units per hour (mmBtu/hour); and
 - F. describe the source of data and methodology used in the calculating item A.
2. Provide a table in electronic spreadsheet format (e.g. Microsoft Excel) that includes the following data from June 2010 to the present date for each day and for each furnace. If daily information is not available, provide the data on a monthly basis and explain in detail why the daily information is not available:
 - A. emissions in pounds per hour and pounds per ton of glass produced per day for each operating day for the following pollutants: volatile organic compounds (VOCs), particulate matter (PM), particulate matter less than ten microns (PM₁₀), and particulate matter less than 2.50 microns (PM_{2.5});
 - B. glass produced in tons; and
 - C. describe the source of data and methodology used in calculating item A.

ENCLOSURE 3

CONFIDENTIAL BUSINESS INFORMATION ASSERTION AND SUBSTANTIATION REQUIREMENTS

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to the EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret" or "proprietary" or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to the EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, the EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information. If you receive such a letter, the EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B.

air: Emission data means, with reference to any source of emission of any substance into the

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.